

Appl. No. : 09/104,340
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However, Boyd et al. does not identify a protein consisting essentially of SEQ ID NO:4 from within the larger, cysteine-rich extracellular domain taught by US patent 5,674,691. The protein taught by Boyd in SEQ ID NO: 10 contains 983 amino acids and includes a signal peptide (see Fig 1a), transmembrane region (see Fig 1e) and potential sites for N-linked glycosylation within the extracellular domain (see Figs 1c, 1d (see col. 7, lines 17-30 for drawing description and col. 11, lines 24-50). Thus an isolated polypeptide consisting essentially of SEQ ID NO: 10 of Boyd would include a transmembrane region as well as a cytoplasmic region in addition to the extracellular domain.

Therefore Boyd et al. does not teach the isolated polypeptide as recited in Claim 5 since the polypeptide (SEQ ID NO: 10) of Boyd necessarily has additional elements (regions of the polypeptide) which, for example include additional potential sites for N-linked glycosylation (see Figs 1c and 1d) which is not encompassed by claim 5 of the present invention. Thus, Boyd et al. does not anticipate claims 5-8 of the presently-claimed invention since all elements are not taught by the cited reference.

In view of the above remarks, Applicants respectfully request withdrawal of the rejection claims 5-8 under 35 U.S.C. § 102(e).

Conclusion

The foregoing remarks address the Examiner's concerns of the Office Communication of October 2, 2002. Should there be any questions, the Examiner is respectfully requested to contact the undersigned Agent at the telephone number listed below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: Daniel Altman
Daniel E. Altman
Registration No. 34,115
Attorney of Record
Customer No. 20,995
(949) 760-0404